

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JEANINE M. McCREARY,
Plaintiff**

v.

**REDEVELOPMENT AUTHORITY OF
THE CITY OF ERIE,
Defendant**

Civil Action

Docket Number: 1:09-cv-299

**Hon. Sean J. McLaughlin
Magistrate Judge Susan Paradise
Baxter**

**DEFENDANT, REDEVELOPMENT AUTHORITY OF THE CITY OF ERIE'S,
RESPONSE TO PLAINTIFF'S EXCEPTIONS TO REPORT AND RECOMMENDATION**

AND NOW, comes the Defendant, the Redevelopment Authority of the City of Erie (the "Authority"), by and through its counsel, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., and files the within Response to the Plaintiff's Exceptions to the Report and Recommendation of the Magistrate Judge, of which the following is a statement:

1. Plaintiff has filed a number of exceptions to the Magistrate Judge's Report and Recommendation.
2. In these exceptions, Plaintiff continues to mischaracterize and misapply the law, but has failed to articulate any legitimate basis upon which to reverse the Magistrate Judge's Recommendation that the Plaintiff's Complaint be dismissed and that her Motion for Declaratory Relief be denied.
3. The Authority hereby incorporates by reference its Motion to Dismiss, Brief in Support, and associated Reply Brief in opposition to Plaintiff's exceptions.

WHEREFORE, the Authority respectfully requests that this Honorable Court adopt the Magistrate Judge's Report and Recommendation as to the Dismissal of Plaintiff's Complaint and the denial of her Motion for Declaratory Relief.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY
& KROTO, INC.

By /s/Arthur D. Martinucci

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